

16 September 1975

OGC Has Reviewed

MEMORANDUM FOR: Deputy Director for Administration

SUBJECT: The Agency's Regulatory Process

1. Attached is a study prepared by [] of this Office, somewhat misnamed "Participation of the Office of General Counsel in the Regulatory Process." This study was undertaken after the issuance of the Rockefeller Commission Report and their recommendation 10 suggested that the Director should review the operation of the Office of General Counsel and the degree to which OGC is consulted. In the Agency's response to the President dated 21 June 1975, it is stated that the "General Counsel is in the process of reviewing all Agency regulations to assure that legal consultation is required in all sensitive situations and to assure that on policy decisions the General Counsel is consulted to ascertain if there are legal aspects to be considered." This study is the result.

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2. During the course of reviewing the regulations, Mr. [] went beyond the narrow confines of the above statement and looked at the entire regulatory process. He has also dealt with the legal effect of regulations and discussed the questions of properly recording delegations of authority. In this latter connection, you will remember the considerable amount of work which was done about a year and a half ago on the matter of delegations of authority and the problems that were surfaced at that time. I think it extremely important, as Mr. [] has noted, that on the face of our regulations the chain of authority can be traced from the lowest authorizing official back up to the source of all authority within the Agency, i.e., the Director of Central Intelligence. In view of the high probability of some type of involvement by the General Accounting Office in the audit process within the Agency in the future, it would be helpful if the various chains of authority were clear since such a review would be an integral part of any GAO audit program.

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3. While I do not subscribe to every word in Mr. [] section entitled "Findings, Conclusions and Recommendations," nevertheless, I

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think they are fundamentally sound but may have to be adjusted in certain respects. I request that after you have had a chance to go into this matter, we sit down and discuss this together. I would also like to point out that I am planning to submit to the Director in the near future my suggestions and recommendations concerning the Office of General Counsel as to all aspects, including the role of the General Counsel in CIA and OGC structure and manpower. As a part of that package there will be included Mr. [REDACTED] study on the regulatory process, but in the meantime I thought the study could be dealt with as a separate subject.

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[REDACTED]
JOHN S. WARNER
General Counsel

Attachment

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